IN THE HIGH COURT OF JUDICATURE AT BOMBAY

IN INSOLVENCY

PETITION NO. 7 OF 2007.

Re : Prabhudayal B. Chamaria & Ors . . . . . Debtors.

Ex-parte :
Smt.Taradevi Gadia & Ors., ... Petitioning Creditors.

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Mr. P. V. Shah, Advocate for the Petitioning Creditor.

CORAM : A.M.KHANWILKAR J.
NOVEMBER 26, 2007.

P. C.

1. The present Petition is founded on the decree passed by the Court against debtor on 25th April 2005 in Miscellaneous Petition No. 57 of 2000. As the debtors failed to pay the amount, Insolvency Notice No.N-96 of 2006 dated 6th June 2006 was issued, which was duly served on the debtor on 8th June 2006, 19th June 2006 by personal and on 13th July 2006 by substitute mode.

2. The Judgement Debtors No.1 to 3, and 5 took out Notice of Motions Nos. 123 of 2006 and Judgement Debtor No.4 and 6 to 10 took out Notice of Motion No. 137 of 2006 respectively which were dismissed on 7th November 2006. Inspite of service, debtors failed to pay the decretal amount. In that sense, act of insolvency was completed on 7th November 2006.

2. As the debtors failed to pay the amount or offer any explanation for non-payment, Petitioning Creditors have had no option but to take out the present action, which have been filed on 11th January, 2007. The debtors have been duly served. The Debtor Nos. 2, 3 & 5 were personally served on 14th February 2007 and on Debtors No.1, 4 & 6 to 9 on 22nd March 2007 with substituted notice in the present action, (as per the liberty given to the Petitioning creditor to effect service by substituted mode). Inspite of such service, none appears for the debtor. No reply has been filed. Inspite of such service, none appears for the debtor. No reply has been filed. As no explanation have been offered on behalf of the debtors, Petition ought to succeed in terms of prayer clauses (a) and (b).

(a) an order of adjudication of Insolvency, may be made by this Hon'ble Court against the Debtors.

(b) for costs.

. Ordered accordingly.

A. M. KHANWILKAR, J.